



Court Interpreter Services
U.S. District Court, Central District of California

Orientation for Contract Court Interpreters
PRE-SENTENCE INVESTIGATION AND REPORT

PRE-SENTENCE INVESTIGATION INTERVIEW

Once a defendant has been convicted of an offense, the probation office of the court will make a pre-sentence investigation and report to the court before the imposition of sentence. A United States probation officer will contact interpreter services to request an interpreter for the “probation interview.” The interpreter will be contracted by interpreter services and asked to meet the probation officer at the location specified by the probation officer, usually a detention facility. In some instances, when the defendant is free on bond pending sentencing, the interview may take place in the probation office. The defense attorney is usually present during the interview, and may direct the client not to answer some of the probation officer’s questions.

According to Rule 32 of the Rules of Criminal Procedure, the pre-sentence report must contain information for the sentencing judge regarding: “**A)** any prior criminal record of the defendant, **B)** a statement of the circumstances of the commission of the offense and circumstances affecting the defendant’s behavior, **C)** information concerning any harm, including financial, social, psychological, and physical harm, done to or loss suffered by any victim of the offense, and **D)** any other information that may help the court in sentencing, including the restitution needs of any victim of the offense.”

Pre-sentence reports are not public documents. Anything discussed during the pre-sentence report interview is confidential and cannot be divulged by the interpreter.

During the pre-sentence report interview with a probation officer, it is the probation officer who is to conduct all phases of the interview with the *interpreting* assistance of the court interpreter. At no time is the interpreter to take over the interview by asking the questions and writing down the responses, particularly the financial portion of the report, *even if asked to do so*. The interpreter is strictly limited to interpreting what is asked and what is answered.

On occasion, a probation officer will ask for the interpreter’s opinion regarding the defendant’s mental state, level of education, whether the defendant is being truthful or not, etc. The interpreter should refrain from giving any opinions other than those directly related to linguistic or semantic issues. To do otherwise would constitute a breach of the interpreter’s code of professional



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responsibility and could expose the interpreter to sanctions imposed by the court for willful violations.

READING OF THE PRE-SENTENCE REPORT

The prosecutor, the defendant, and defense counsel should receive a copy of the pre-sentence report at least 35 days before sentence is imposed. The parties then have 14 days to object to it, and must give their objections to the probation officer in writing. The probation officer may meet with the parties to discuss the objections, conduct a further investigation, and revise the pre-sentence report. The report has to be submitted to the court at least 7 days before the sentencing hearing. Any unresolved objections to the report must be set forth and discussed in an addendum to the report.

In cases where an interpreter is needed, defense counsel will contact interpreter services to place a request to have an interpreter present while reviewing the pre-sentence report with the defendant. By order of the court, the defense attorney must be present at all times while the pre-sentence report is being sight-translated to the defendant. Any questions or comments that the defendant may have regarding the report must be interpreted to the defense attorney and any replies by the defense attorney are to be interpreted to the defendant. Remember to stay within your role as an interpreter - do not allow yourself to be turned into a witness by offering opinions unrelated to your area of expertise.

The pre-sentence report can be a lengthy, single-spaced document containing narrative paragraphs along with specialized terminology relating to the sentencing guidelines. It should take an average of 3 minutes to sight-translate one page of the report. The report will consist of a cover page containing case information, sentencing date, name of the judge and attorneys, etc. The body of the report is divided into several parts, starting with a description of the offense and offense level computation. The defendant's criminal history and offender characteristics will be discussed and various sentencing options will be indicated, as well as any factors that may warrant departure from the sentencing guideline range. The sentencing recommendation will usually conclude the pre-



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sentence report, unless there is an addendum containing unresolved objections by the government or by the defense.

All interpreting service provided during the pre-sentence report interview or during the reading of the report is billed on the court's form. Be sure to ask the probation officer or defense counsel to sign the back of your claim form.

The attached glossary contains terms frequently encountered in pre-sentence reports. Researching them ahead of time will help you stay within the 3-minutes-per-page estimate.



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GLOSSARY

Acceptance of responsibility	
Addendum to the report	
Adjusted offense level	
Adjustment for obstruction of justice	
Administrative Office of the United States Courts	
Aggravating circumstances	
Aliases	
Alimony/child support	
Attorney General of the United States	
Base offense level	
Cash advances/bonuses	
Charge and conviction	
Co-defendants	
Co-payments	
Commissions (all non-employee earnings as an independent contractor)	
Community service hours	
Consensual relationship	
Continuing criminal enterprise	
Contempt of court	
Co-operation with authorities	
Course of conduct	
Credit check information	
Criminal history	
Custody sentence	
Dependents	
Detainers	



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Disposition of case	
Dividends	
Drug or alcohol abuse	
Earned leave	
Education and vocational skills	
Electronic monitoring	
Enhancements	
Factors that may warrant departure	
Fail to pay the fine	
Federal, state, or local crime	
Field Supervision Officer	
Financial support	
Finding of the court	
Fraudulent application for legal status	
Gratuities/tips	
Guidelines manual	
Guideline provisions	
Home confinement rules	
Illegal re-entry of deported alien	
Intermittent/community/home confinement	
Joint spousal income	
Judgement of the court	
Jurisdiction retained by the court	
Knowingly and illegally possess	
Legal status	
Liquidate assets	
Local authorities	
Mental and emotional health	



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Mental disorders	
Mid-range of the guidelines	
Mitigating circumstances	
Monitor compliance with rules	
Monthly cash flow statement	
Mortgage loans	
Multiple-count convictions	
Narcotics conspiracy	
Offender characteristics	
Objections to the pre-sentence report	
Offense behavior/conduct	
Offense level computation	
Pace maker	
Payment schedule	
Penal or correctional institution	
Pensions/annuities	
Personal and family data	
Physical condition	
Possess a firearm or dangerous weapon	
Probation revoked	
Probation/parole violation	
Release status	
Release from custody	
Relevant conduct	
Repetitive or ongoing behavior	
Represented by legal counsel	
Restitution	
Role in the offense	



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Scars, tattoos, or other identifying marks	
Sentencing Reform Act of 1984	
Sentencing table	
Significant other	
Social Security payments	
Special assessment	
Specific offense characteristics	
Standing 5 feet 5 inches tall	
Statutory provisions	
Substance abuse	
Subtotal criminal history score	
Supervised release	
The instant offense was committed	
Trust income	
Underlying counts	
United States Bureau of Prisons	
Upward or downward departure	
Utilities (water, power, gas)	
Victim impact statement	
Voluntary surrender	
Warrant was issued	
Whereabouts of the defendant	
Written plea agreement	
Wrongful conduct	